

Central Intelligence Agency



Washington, D.C. 20505

27 November 2018

Ms. Emma Best
MuckRock News
DEPT MR 61262
411A Highland Avenue
Somerville, MA 02144

Reference: F-2019-00312

Dear Ms. Best:

This acknowledges the receipt of and also is a final response to your 2 November 2018 Freedom Information Act request, received in the office of the Information and Privacy Coordinator on 2 November 2018, for the following records: **a copy of the historical study of Operation Lincoln described on page 2 (PDF page 5) of CIA-RDP78B05703A000400070020-3.**

Our records indicated that on 27 September 2018 you submitted a duplicate request on the same subject, which was received on 5 October 2018 and assigned reference number F-2019-00049, copy enclosed, which will be addressed under separate correspondence. Therefore, we are cancelling this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Fong", with a long horizontal stroke extending to the right.

Allison Fong
Information and Privacy Coordinator

Enclosure

MuckRock News
DEPT MR 61262
411A Highland Ave
Somerville, MA 02144-2516
61262-50188874@requests.muckrock.com

F-2019-00049

Central Intelligence Agency
FOIA Office
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

OCT 05 2018

September 27, 2018

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

A copy of the historical study of Operation Lincoln described on page 2 (PDF page 5) of CIA-RDP78B05703A000400070020-3 (attached).

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as MuckRock, Motherboard, Property of the People, AND Magazine, Unicorn Riot, and more. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and and the journalist non-profit, MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had 'firm' plans to 'publish a number of . . . 'document sets'" concerning United States foreign and national security policy." Under this criteria, as well, I qualify as a member of the news media.

Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be 'made by' a representative of the news media. *Id.* § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

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Somerville, MA 02144-2516
61262-50188874@requests.muckrock.com

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Emma Best

Filed via MuckRock.com
E-mail (Preferred): 61262-50188874@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 61262
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

BOSTON MA 021

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